

State of
Maine

JULY 2006



**Real Estate
Candidate
Handbook**

Quick Reference

Reservations

Before making an exam reservation

Candidates should thoroughly review this handbook, which contains examination content outlines and important information regarding eligibility, the examination, and the licensing application process.

Making an exam reservation

Candidates may make an examination reservation by:

- Calling Promissor at (877) 543-5220
- Faxing the Fax Reservation Form (from Appendix) to Promissor at (888) 204-6291
- Visiting the Promissor web site (www.promissor.com)

Candidates should make a reservation by phone at least one (1) business day in advance, or by fax or on the Web at least four (4) business days in advance. **Walk-in examinations are not available.**

Schedules & Fees

Test Centers

A list of Promissor Test Centers appears on the back cover of this handbook. Candidates should contact Promissor to confirm specific locations and examination schedules.

Exam fees

The examination fee (\$85) must be paid at the time of reservation by credit card, debit card, voucher, or electronic check. **Payment will not be accepted at the test center.** Examination fees are nonrefundable and nontransferable except as detailed in the *Change/Cancel Policy*.

Exam Day

What to bring to the exam

Candidates should bring to the examination the confirmation number they received when they made the examination reservation, proper identification, and other materials as dictated by the state licensing agency. A complete list appears in *What to Bring* (page 13).

Exam procedures

Candidates should report to the Promissor Test Center at least thirty (30) minutes before the examination begins. Each candidate will have four (4) hours to complete the examination and will leave the test center with an official score report in hand.

Table of Contents

INTRODUCTION	1
MAINE REAL ESTATE COMMISSION CONTACT INFORMATION	2
LICENSING REQUIREMENTS	3
Sales Agent	3
Associate Broker	4
Broker	4
Licensing by Reciprocity	5
Renewing an Expired License	6
Prelicense Course Sponsors	7
Recommended Reading	7
EXAM RESERVATIONS	9
Phone Reservations	9
Telecommunication Devices for the Deaf	9
Online Reservations	9
Fax Reservations	10
Confirmation Number	10
Exam Fees	10
Electronic Checks	10
Vouchers	11
Change/Cancel Policy	11
Weather Delays and Cancellations	11
Absence/Lateness Policy	11
Special Exam Requests and Services	12
Non-Saturday Exams	12
EXAM DAY	13
What to Bring	13
Exam Procedures	13
Test Center Policies	14
Score Reporting	14
Score Explanation	15

Table of contents continued on next page

Promissor does not discriminate on the basis of age, sex, race, creed, disabling condition, religion, national origin, or any other protected characteristics.

EXAM DAY (cont'd)

Retaking the Exam 15

Review of Exams 15

Duplicate Score Reports. 15

PREPARING FOR THE EXAM 16

Exam Content 16

Math Calculations 16

GENERAL CONTENT OUTLINE 17

STATE LAW CONTENT OUTLINE 19

APPENDIX

Fax Reservation Form back of handbook

Special Accommodations Request
Form back of handbook

Request for Duplicate Score Report . back of handbook

Voucher Request Form back of handbook

GENERAL INFORMATION back cover

Promissor Test Centers back cover

Promissor Holiday Schedule back cover

Introduction

Licensure is the process by which an agency of state government or other jurisdiction grants permission to individuals to engage in the practice of, and prohibits all others from legally practicing, a particular profession, vocation, or occupation. By ensuring a minimum level of competence, the licensure process protects the general public. The state regulatory agency is responsible for establishing an acceptable level of safe practice and for furnishing the means to determine whether an individual meets that standard.

The state of Maine has retained the services of Promissor to develop and administer its real estate examination program. Promissor is nationally recognized as a leading provider of assessment services to regulatory agencies and national associations.

Promissor/Maine Real Estate

PO Box 8588

Philadelphia, PA 19101-8588

(877) 543-5220

Web site: www.promissor.com

Maine Real Estate Commission Contact Information

Office Address*:

Department of Professional & Financial Regulation
Gardiner Annex
122 Northern Avenue
Gardiner, ME 04345

**Do NOT send mail to this address*

Mailing Address:

Maine Real Estate Commission
35 State House Station
Augusta, ME 04333-0035

Licensing Staff:

License qualifications, license renewal, and general information:

Deborah Fales (207) 624-8521
email: deborah.a.fales@maine.gov

License qualifications, education, and general information:

Marilyn Lugner (207) 624-8518
email: marilyn.a.lugner@maine.gov

General information:

Sue Greenlaw (207) 624-8515
email: susan.a.greenlaw@maine.gov

Fax:

(207) 624-8637

Web site:

www.maineprofessionalreg.org
OR
www.maine.gov

Licensing Requirements

All candidates for a Maine real estate license must:

- Be at least 18-years old at the time of license application
- Hold a high-school diploma (or the equivalent)
- Have a reputation for honesty, truthfulness, fair-dealing, and competency

Additional qualifications and requirements are listed under the section for each license type.

Sales Agent

The Sales Agent license is an entry-level license that allows individuals to acquire on-the-job training and experience while they complete the requirements for an Associate Broker license. Sales Agents may perform all brokerage services specifically authorized by the designated broker of the agency with which the Sales Agent is affiliated. The license is issued for two (2) years and is not renewable. The Sales Agent candidate must have made arrangements to affiliate with a licensed real estate agency before he/she applies for a license.

In order to qualify for a Sales Agent license as defined by §13200 and Rule Chapters 360 Section (4)(3) and 390 Section (1), the candidate must:

- Complete (with a minimum grade of 75%) a Commission-approved prelicense course called “The Sales Agent Course” which covers the required skills and knowledge listed in the content outlines that appear in this handbook. A list of schools that may offer the course appears on page 7.
- Submit an original transcript and the *Examination Authorization Request Form* to the Commission to obtain approval to take the Promissor licensing examination. Candidates will **not** be allowed to take the examination without Commission approval. (Candidates may obtain the *Examination Authorization Request Form* from the Commission or from pre-licensing course providers.) The Commission will indicate approval by sending the candidate the pink *Exam Authorization Card*, which must be presented at the Promissor Test Center.
- Pass the Promissor sales agent examination, which covers the required skills and knowledge listed in the content outlines that appear in this handbook.
- Submit to the Commission a fully completed license application, an original Promissor examination score report, and an original transcript from “The Sales Agent Course” showing a minimum final grade of 75%, and the license application fee.

Associate Broker

The Associate Broker license is a permanent license of the next license level above the Sales Agent license. Associate Brokers are authorized to perform all brokerage services on behalf of an agency, but may not serve as designated brokers. The license is issued for a two-year period and is renewable. The Associate Broker license may be held on an inactive status.

In order to achieve licensure as an Associate Broker, as defined by §13199 & Rule Chapter 360 Section (4)(2), a candidate must satisfy the following requirements:

The candidate must:

- Practice as a licensed Sales Agent for two (2) years
- Satisfactorily complete (with a minimum final grade of 75%) “The Associate Broker Course”
- Submit a fully completed license application and an original transcript from “The Associate Broker Course” (with a minimum final grade of 75%). Copies are not acceptable. This application must be submitted no more than thirty (30) days before the day the Sales Agent license expires and within five (5) years of the date of issuance of the original Sales Agent license
- Submit the license application fee

If the candidate has satisfied all requirements and has submitted a complete application, the Commission will issue the Associate Broker license immediately upon the expiration of the Sales Agent license.

Broker

A Broker license authorizes the licensee to perform all brokerage services on behalf of an agency, including serving as the agency’s designated broker. The broker license is issued for a two-year period and is renewable. This license may be held on an inactive status.

There are two ways to obtain a broker license, as defined by §13198 & Rule Chapter 360, Section 4(1).

Method A

The candidate must:

- Complete one (1) year of full-time practice as a licensed Associate Broker in the year immediately preceding the date of application for the Broker license.
- Satisfactorily complete (with a minimum final grade of 75%) a Commission-approved course that covers the topics listed in the content outlines that appear in this handbook (the course is called “The Designated Broker Course”)**
- Furnish a resume of real estate-related production and activity for the full year immediately preceding the date of application for the Broker license. This resume must include a fully

completed Brokerage Activity Report form available from the Commission. The candidate should request this form when contacting the Commission for a license application

- Submit along with the Brokerage Activity Report a fully completed license application that includes a course transcript for “The Designated Broker Course”.
- Submit the license application fee

*** Application for a Broker license must be made within one (1) year of completion of “The Designated Broker Course”.*

Method B

The candidate must:

- Complete one (1) year of practice as a licensed Sales Agent
- Satisfactorily complete (with a minimum final grade of 75%) two (2) years (60 credit hours) in a business degree program, of which 9 credits must be for successful completion of “The Sales Agent Course,” “The Associate Broker Course,” and “The Designated Broker Course,” as per Chapter 360, Section 2(4). Courses must have been completed within five (5) years of the date of application for the Broker license, with the exception of “Role of the Designated Broker,” which must be completed in the year immediately preceding license application. Candidates are encouraged to submit transcripts to the Commission for review before applying for a Broker license
- Submit a fully completed license application that includes official transcripts for all qualifying coursework
- Submit the license application fee

Licensing by Reciprocity

Non-Residents and Maine Residents Licensed in Another State or Jurisdiction

A non-resident, or a Maine resident, who holds an active license in good standing in another state or licensing jurisdiction may qualify for a similar license in Maine by passing the Maine Law examination. Non-resident candidates must be licensed in the state in which they reside to qualify under this provision. The license issued will be at a level comparable to the level of the license held in the other state or jurisdiction. (It should be noted that the Maine Associate Broker is equivalent to a salesperson in many states.) Candidates who qualify by this method must affiliate with an agency licensed in Maine upon application for a license and may perform all brokerage services on behalf of that agency as outlined in the License Law and Rules Reference Book, 32 M.R.S.A., Chapter 114. The license issued is valid for a period of two (2) years and is renewable.

Candidates licensed in another state or jurisdiction who wish to obtain a comparable license by reciprocity may do so as defined by §13193 & Rule Chapter 390, Section 4. The candidate must:

- Demonstrate knowledge of Maine real estate law by passing the Maine Law examination
- Hold a similar active license in good standing in his/her resident state
- Provide a Certificate of Licensure from **each** state in which the candidate holds a real estate license (as detailed in Chapter 390, Section 4 of the Commission Rules)
- File a completed Irrevocable Consent to Service application (non-residents only)
- Submit a fully completed license application, a certificate of license from each state in which applicant now holds or has held a real estate license and a fully completed Irrevocable Consent to Service application.
- Submit the appropriate license fee

Non-residents who are not licensed in another jurisdiction but wish to become licensed in Maine may qualify for a license by satisfying the education and/or experience requirements as outlined under the specific license categories in this handbook.

IMPORTANT: Candidates qualifying by reciprocity must hold a current and active license in good standing in another state or jurisdiction at the time application is made for the Maine license. Active status is defined as maintaining affiliation with an agency or eligibility to perform real estate brokerage. The only acceptable evidence that the candidate holds an active license in good standing is a Certificate of Licensure issued by the licensing jurisdiction. A copy of a current license is not acceptable.

Renewing an Expired License

An individual who has allowed a Broker or Associate Broker license to expire for more than ninety (90) days may reinstate the license by passing the Maine Law examination. Candidates applying under this provision will qualify for the same type of license as previously held. Individuals who hold an expired Sales Agent license do not have this option.

Applying for the License

After passing the Law examination, a candidate must submit to the Commission the following:

- A fully completed license application, notarized signatures of three references, and the signed and dated recommendation from the agency's designated broker
- The appropriate license fee
- Original Promissor Examination Score Report

Prelicense Course Sponsors

Sponsors listed below have offered one or more approved pre-license courses. Candidates may contact sponsors for information about current or future offerings. Courses must be approved by the Commission to qualify for licensing; therefore, it is recommended that candidates determine that a course has been approved before enrolling.

Arthur Gary School of Real Estate, Westbrook.	(207) 856-1712
Andover College, Portland.	(207) 693-4715
Bangor Adult & Community Education	(207) 941-6310
Center for Real Estate Education, University of Southern Maine, Portland	(207) 228-8400 Toll-Free (800) 800-4876/ext.8400
Central Maine Community College, Auburn . .	(207) 755-5100
Eastern Maine Community College	(207) 941-4609
Foster Real Estate Enterprises, Education Division, Ellsworth.	(207) 667-7480
Maine Real Estate Training Academy, Naples .	(207) 693-4715
MSAD #4 Piscataquis Adult Education, Guilford . .	(207) 876-4263
MSAD #5 Adult Education, Rockland	(207) 596-2018
MSAD #54 Adult Education, Skowhegan	(207) 474-7553
The Real Estate Learning Group, Portland . . .	(800) 796-5308
Southern Maine Community College, South Portland	(207) 767-9529
United Technology Center, Bangor	(207) 942-5296
University of Maine, Fort Kent	(207) 834-7509
York County Community College, Wells	(207) 646-9282

Recommended Reading

The following is a list of texts and study aids the Commission has determined may be useful in preparing for the examination and a career in real estate. This list is a sample of the information available to potential real estate licensees and is not meant to represent all the information candidates will need to prepare for an examination. Candidates should consult a real estate instructor or experienced real estate professional for suggestions about alternative study materials. Out-of-print texts may be available at public or university libraries.

- Introduction to Real Estate Law,**
Charles, Coit, Dearborn Real Estate Education, Chicago, IL
(out of print).
- Introduction to a Successful Career in Maine Real Estate,**
Coit, Charles, Shipley House Publishers.
- Maine Consumer Law Guide,**
Office of the Maine Attorney General, 6 State House Station
Augusta ME 04333 www.state.me.us/ag

**Maine Environmental and Land Use Statutes
Deskbook 2001,**

Ahrens, Philip F.W., Tower Publishing, 588 Saco Road,
Standish, ME 04084

Maine Real Estate Law,

Creteau, Paul, Castle Publishing, Portland, ME. (out of print)

Maine Planning & Land Use Laws,

Michaud, Fredrick L., 56 Bradford Lane, South China, ME
04358, (207) 445-4402 (phone and fax), email:
frelan@gwi.net

Maine Real Estate Law Exam Study Materials,

Center for Real Estate Education, Portland, ME. (207) 228-8400
(Study materials developed specifically for the Maine Law exam.)

Maine Real Estate Law Exam Study Materials,

Arthur Gary School of Real Estate, Westbrook, ME.
(207) 856-1712 (Study materials developed specifically for the
Maine Law exam.)

Maine Real Estate Law Exam Study Materials,

The Real Estate Learning Group, Portland, ME.
(800) 796-5308 (Study materials developed specifically for the
Maine Law exam)

Maine Real Estate Principles and Practices, 5th Edition,

Richer, Elaine, Thomson/South-Western Educational Publishers,
Mason, OH

Maine Real Estate License Law & Rules Reference Book,
Maine Real Estate Commission

“Maine Planning & Land Use Laws” and the “Law Exam Study
Materials” may be obtained from the publishing school or
agency indicated on the list. All other texts are commonly avail-
able at college bookstores and libraries.

Copies of the “Maine Real Estate License Laws and Rules
Reference Book” are available from the Commission, and
laws and rules may also be downloaded from the Web
(www.maineprofessionalreg.org).

Exam Reservations

Phone Reservations

Walk-in examinations are not available. Candidates may call Promissor at (877) 543-5220 to make an examination reservation.

Call Center Hours	
Monday – Friday	8 am – 11 pm
Saturday	8 am – 5 pm
Sunday	10 am – 4 pm

Eastern Standard Time

Before calling, candidates should have the following:

- Legal name, address, daytime telephone number, and date of birth
- The name of the examination(s)
- The preferred examination date and test center location (a list appears on the back cover of this handbook)
- A failing score report (if retaking an examination)
- A pink *Exam Authorization Card* (if taking the Sales Agent exam)

A Promissor representative will help candidates select a convenient examination date and location and will answer questions. A reservation will be made based on the next available examination date.

Candidates may make a phone reservation up to one (1) business day before the desired examination date, assuming that space is available at the test center.

Telecommunication Devices for the Deaf

Promissor is equipped with TDD (Telecommunication Devices for the Deaf) to assist deaf and hearing-impaired candidates. TDD calling is available 8:00 am to 5:00 pm (EST), Monday through Friday, toll-free at (800) 274-2617. This TDD phone option is for individuals equipped with compatible TDD machinery.

Online Reservations

Candidates may make an examination reservation online by visiting the Promissor Web site (www.promissor.com). First-time users must obtain a check-in code and will be asked to provide name, email address and phone number, as well as a personal password. Candidates will receive a check-in code immediately upon submitting the requested information.

Candidates will be prompted with step-by-step instructions on completing the online reservation request form. Once the online request has been submitted, Promissor will send via email a confirmation of the examination date, time and location, or will contact candidates whose choices are not available. Candidates may also review, change or even cancel an existing reservation by following the instructions.

Candidates who wish to make an online reservation should do so at least four (4) business days before the desired examination date.

Fax Reservations

Candidates may make a fax reservation using the *Fax Reservation Form* (from Appendix). Promissor will send a confirmation of the reservation by fax within 24 hours of the receipt of the form.

Candidates who wish to make a fax reservation should do so at least four (4) business days before the desired examination date.

Confirmation Number

Candidates will be provided with a confirmation number, which should be written down in the space provided below. This number should be used for any contact with Promissor.

Confirmation Number:
Examination Date:
Promissor Test Center:
Promissor Representative:

Exam Fees

The examination fee (\$85) must be paid at the time of reservation by credit card, debit card, voucher or electronic check. **Payment will not be accepted at the test center.** Examination fees are nonrefundable and nontransferable except as detailed in the *Change/Cancel Policy*.

Candidates who wish to take the examination out of state (other than at the centers listed on the back of this handbook) must contact Promissor before they may make a reservation to pre-pay an additional \$50.

Electronic Checks

Candidates who wish to pay the examination fee by electronic check must have a personal checking account, and must provide to Promissor at the time of reservation the following:

- Bank name
- Account number
- Social Security number or driver’s license number
- Name and address on the account

Vouchers

Candidates may pre-pay examination fees and receive a voucher to use when they contact Promissor to make a reservation. The number listed on the voucher will be accepted by Promissor as payment for the examination fee. Vouchers may be purchased for one fee or many.

Those who wish to purchase a voucher should send a *Voucher Request Form* (from Appendix), along with proper payment. Promissor will process voucher requests within one (1) week of receipt. Vouchers are valid for one (1) year from the issue date, and may be refunded or renewed.

Change/Cancel Policy

Candidates should call Promissor at (877) 543-5220 at least two (2) business days before the examination date to change or cancel a reservation. Candidates who change or cancel a reservation with proper notice may either transfer their fees to a new reservation or request a refund. **Candidates who change or cancel a reservation without proper notice will forfeit the examination fee.**

Candidates are individually liable for the full amount of the examination fee once a reservation has been made, whether individually or by a third party.

Weather Delays and Cancellations

If severe weather or a natural disaster makes the Promissor Test Center inaccessible or unsafe, the examination may be delayed or canceled. Candidates may call Promissor at (800) 274-2615 for details on delays and cancellations during severe weather.

Absence/Lateness Policy

Candidates who are late to or absent from an examination may be excused for the following reasons.

- Illness of the candidate or that of a member of the candidate's immediate family
- Death in the immediate family
- Disabling traffic accident
- Court appearance or jury duty
- Military duty
- Weather emergency

Candidates who are otherwise late to or absent from an examination and have not changed or canceled the reservation according to the *Change/Cancel Policy* will forfeit the examination fee. Written verification and supporting documentation for excused absences must be submitted to Promissor within fourteen (14) days of the original examination date.

Special Exam Requests and Services

Promissor complies with the provisions of the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*) and Title VII of the Civil Rights Act, as amended (42 U.S.C. 2000e *et seq.*), in accommodating disabled candidates who need special arrangements to take an examination.

Candidates who require special arrangements due to impaired sensory, manual or speaking skills, or other disability, should fax the *Special Accommodations Request Form* (found in the back of this handbook) to Promissor.

The form must be accompanied by supporting documentation from a physician or other qualified professional reflecting a diagnosis of the candidate's condition and an explanation of examination aids or modifications. Promissor will provide auxiliary aids and services, except where such may fundamentally alter the examination or results, or result in an undue burden. The examination will be scheduled upon receipt of all required information by Promissor.

Candidates who have additional questions concerning ADA arrangements may contact the ADA Coordinator at (800) 274-3707. However, the *Special Accommodations Request Form*, along with the required supporting documentation, **MUST** be submitted to Promissor before any special arrangements can be finalized.

Promissor will determine the time and place of specially arranged examinations and will confirm these arrangements directly with the candidate. Candidates who need to retake an examination should notify Promissor that special arrangements were used for the previous examination.

Due to the unique nature of each special request, Promissor recommends that candidates request special services as early as possible. Promissor will make a concerted effort to provide reasonable accommodations as permitted by state licensing agencies and individual Promissor Test Center capabilities.

Non-Saturday Exams

Candidates who for religious reasons cannot take an examination offered only on Saturdays may request a non-Saturday examination date. Such a request must be put in writing on official stationery by the candidate's religious advisor and faxed to (610) 617-9397 or mailed to:

Promissor Test Center Operations
3 Bala Plaza West
Suite 300
Bala Cynwyd, PA 19004

Non-Saturday examinations are available **ONLY** on a prearranged basis.

Exam Day

What to Bring

All candidates **MUST** bring to the test center on examination day the following.

- Two (2) forms of valid, current signature identification, one of which must be government-issued and photo-bearing
- The confirmation number provided when the reservation was made
- Failing score report (if the candidate is retaking the examination)
- **Sales Agent candidates** must present the pink *Exam Authorization Card* (detailed on page 3) from the Maine Real Estate Commission

Candidates who do not present the required items on examination day will be denied admission to the examination and will forfeit the examination fee.

Exam Procedures

Candidates should report to the Promissor Test Center thirty (30) minutes before the examination and check in with the test center manager. The manager will review each candidate's confirmation number, identification, and any other required documents, and will photograph him/her for the score report.

Candidates may take a tutorial on the personal computer (PC) on which the examination will be administered. The time spent on this tutorial will not affect the time allotted for the examination. The examination proctors will answer questions at this time, but candidates should be aware that the proctors are not familiar with the content of the examinations nor with the state's licensing requirements, and that they have been instructed not to advise candidates on requirements for licensure. Candidates are responsible for determining which examinations they need to take.

Candidates may begin the examination once they are familiar with the PC. The examination begins the moment a candidate looks at the first examination question. Candidates will have four (4) hours to complete the Sales Agent examination or two (2) hours for the Maine Law examination; after that time, the examination will automatically end. Candidates will leave the Promissor Test Center with an official score report in hand.

Test Center Policies

The following policies are observed at each Promissor Test Center.

- **No cellular phones, beepers, watch alarms, listening devices, recording or photographic devices, or any other electronic devices (other than approved calculators)** are permitted during the examination.
- **Calculators are permitted only if they are silent, hand-held, nonprinting, and without an alphabetic key pad.** Use of any other calculator is not permitted. Violation of this rule may result in dismissal from the examination. Calculator malfunctions are not grounds for challenging examination results or requesting additional examination time. Once the examination has begun, a simple four-function calculator on the PC on which the examination is being taken will be available for use.
- **No dictionaries, books, papers (including scratch paper), and study or reference materials** are permitted in the examination room, and candidates are strongly urged not to bring such materials to the Promissor Test Center. Promissor will provide scratch paper, if necessary.
- **No personal belongings such as briefcases or large bags** are permitted in the examination room. Lockers, in which candidates may store personal items, are available at most test centers. Promissor is not responsible for lost, misplaced, or stolen items.
- **No eating, drinking, or smoking** is permitted during the examination.
- **No leaving the room** is permitted during an examination without *specific permission* from the proctor. Candidates who receive permission to use the restroom must use the nearest restroom, and must go *only* to the restroom.
- **No giving or receiving help; using notes, books, or other aids; taking part in an act of impersonation; or removing examination materials or notes from the examination room** is permitted during the examination. Candidates who do so will be summarily dismissed from the examination and will be reported to the state licensing agency. Decisions regarding disciplinary measures are the responsibility of the state licensing agency.
- **No visitors, guests, pets or children** are permitted at the Promissor Test Center.

Score Reporting

When candidates complete the examination, they will receive a score report marked “Pass” or “Fail.” Candidates who pass the examination will receive a score report that includes

information on applying for a license. Candidates who fail the examination will receive a score report that includes a numeric score and diagnostic information relating to the general portion of the examination, as well as information about reexamination.

Score Explanation

The passing score of an examination is set by the Maine Real Estate Commission. The general and state law portions are usually administered in multiple versions to enhance security. To ensure that no individual has an unfair advantage or disadvantage by taking a particular version of the examination, the actual passing score of the various versions may be adjusted to accommodate minor fluctuations in the difficulty level of the questions on each version. The passing score for all versions, however, is reported as a score of 75.

The reported examination scores can range from 1 to 100, but they should not be interpreted as the percentage or number of examination questions answered correctly. With 75 as the passing score, any score below 75 indicates how close the candidate came to passing, rather than the actual number or percentage of questions answered correctly.

Retaking the Exam

Sales Agent candidates who fail one portion of the examination and pass the other need to retake only the portion they failed, as long as they do so before the expiration date of the pink *Exam Authorization Card*. After this time, they must retake the Sales Agent Course.

Reservations for reexamination may not be made at the Promissor Test Center. **Candidates must wait 24 hours before making a reservation for a reexamination.**

Review of Exams

For security reasons, examination material is not available to candidates for review.

Duplicate Score Reports

Candidates may request a duplicate score report by completing and mailing the appropriate form found in this handbook along with the proper fee.

Preparing for the Exam

Exam Content

The content of the general portion of the examination is based upon information obtained from a job analysis performed by Promissor. Responses from real estate professionals were analyzed to determine the nature and scope of tasks they perform and the knowledge and skills needed to perform them. This information is the basis upon which examination questions are written and ensures that the examination reflects the actual practice of real estate. Questions on the general portion are also reviewed and approved by nationally recognized real estate professionals.

The state law portion of the examination has been developed to reflect the laws, regulations, and practice of real estate in Maine, and has been reviewed and approved by real estate professionals in Maine.

Math Calculations

Candidates may use the following information in making mathematical calculations on the general portion of the real estate examinations unless otherwise stated in the text of the question:

- 43,560 square feet/acre
- 5,280 feet/mile
- Round off calculations (where applicable)

If a question requires the calculation of prorated amounts, the question will specify: a) whether the calculation should be made on the basis of 360 or 365 days a year; and b) whether the day of closing belongs to the buyer or seller.

This information will be available in printed form at the Promissor Test Center for reference during the examination.

Sales Agent General Content Outline

The general portion of the real estate Sales Agent examination is made up of 80 scored questions, which are distributed as noted in the following content outline. Approximately ten percent (10%) of the scored questions on the general portion will involve mathematical computations.

The Sales Agent general examination contains five (5) pretest questions that are not counted toward the score. These questions are used to gather statistics on performance and to help assess their appropriateness for use on future examinations. Since pretest questions look exactly like scored questions, candidates should answer all the questions on the examination.

See *Recommended Reading* for the Sales Agent examination on pages 7 and 8 for a list of suggested study materials.

I. Real property characteristics, definitions, ownership, restrictions, and transfer (16 questions)

- A. Definitions, descriptions, and ways to hold title**
 - 1. Elements of real and personal property
 - 2. Property description and legal description
 - 3. Estates in real property
 - 4. Forms, rights, interests, and obligations of ownership
- B. Land use controls and restrictions**
 - 1. Public (e.g., zoning, taxation, police power)
 - 2. Private (e.g., liens, encumbrances, recording and priorities, subdivision/association rules)
- C. Transfer/alienation of title to real property**
 - 1. Voluntary and involuntary
 - 2. Deeds, warranties, and defects in title

II. Property valuation and the appraisal process (6 questions)

- A. Principles, types, and estimates of property value**
- B. Investment analysis**

III. Contracts and agency relationships with buyers and sellers (21 questions)

- A. Contract elements, types (e.g., valid, enforceable), and terminology**

B. Types of contracts used in real estate

1. Listing contracts
2. Commission agreements
3. Sales contracts

C. Agency relationships and fiduciary responsibilities

IV. Property conditions and disclosures

(6 questions)

A. Environmental issues and hazards and hazardous materials

B. Material and other disclosures

C. Liability considerations

V. Federal laws governing real estate activities (e.g., Federal Fair Housing Act, Americans with Disabilities Act, antitrust, marketing controls)

(6 questions)

VI. Financing the transaction and settlement

(17 questions)

A. Financing components

1. Financing instruments (e.g., notes, mortgages, contract for deed, deed of trust)
2. Financing sources (e.g., primary and secondary mortgage markets, seller financing)
3. Types of loans
4. Financing concepts and terminology

B. Lender requirements and obligations

C. Settlement (including calculations)

1. Procedures
2. Closing costs
3. Documents

VII. Leases, rents, and property management

(6 questions)

A. Types and elements of leasehold estates, leases, lease clauses, and rental agreements

B. Lessor and lessee rights, responsibilities, and recourse

C. Property management contracts and obligations of parties

VIII. Brokerage operations

(2 questions)

A. Broker management of funds

B. Broker-salesperson relationship

C. Advertising

D. Ethical and legal business practices

The Maine state-specific examination consists of forty (40) questions for Sales Agent candidates and fifty (50) questions for Non-resident candidates. Each examination also contains five pretest questions distributed throughout the examination. These pretest questions are not identified and will not affect the candidate's final score in any way.

The questions are determined by the content outline that follows. The number of scored questions on each topic for each exam appears in parentheses after the topic heading. See *Recommended Reading* for the Maine Law Examination on pages 7-8 for a list of suggested study materials.

I. Maine Real Estate Commission (Sales Agent 2, Non-resident 2)

- A. Powers**
- B. Investigations, hearings, appeals**
- C. Sanctions**

II. Maine Laws and Rules Governing Activities of Licensees (Sales Agent 15, Non-resident 18)

- A. Activities requiring a license**
- B. Broker and brokerage definitions**
- C. Designated broker – sales agent relationship**
- D. Listings/brokerage contracts**
- E. Offers to purchase/sales contracts**
- F. Handling of monies**
 - 1. Earnest money
 - 2. Trust accounts
- G. Material disclosures**
 - 1. Disclosure requirements
 - 2. Maine-specific mandated property disclosures
 - a. Water supply
 - b. Waste disposal
 - c. Hazardous materials
- H. Commissions**
- I. Market analysis**

J. Advertising

K. Other

III. Law of Agency/Brokerage

(Sales Agent 8, Non-resident 12)

- A. Types of agency relationships (buyer, seller, appointed, disclosed dual, and sub-agency)**
- B. Agency/brokerage contracts**
- C. Obligations to clients and customers**
- D. Creation and termination of agency relationships**
- E. Disclosures (incl. Form #3) and acting in self-interest**

IV. Maine-specific Principles and Practices

(Sales Agent 9, Non-resident 12)

- A. Property ownership and transfer**
 - 1. Types of ownership
 - 2. Methods of transfer
 - 3. Adverse possession
 - 4. Recording system
 - 5. Transfer tax
 - 6. Non-resident withholding tax
- B. Sources of information in Maine**
- C. Maine Landlord-Tenant Act**
- D. Condominium law**
- E. Closings**

V. Maine Land-use Law

(Sales Agent 6, Non-resident 6)

- A. Subdivisions (*Title 30-A*)**
- B. Mandatory Shoreland Zoning (*Title 38*)**
- C. Site Location of Development (*Title 38*)**
- D. Underground Oil storage Tanks (*Title 38*)**
- E. Other land use topics**
 - 1. Minimum lot size (*Title 12*)
 - 2. Land Use Regulation Commission (*Title 12*) and Department of Environmental Protection (*Title 38*)
 - 3. Open Space Tax Law and Tree Growth Tax Law (*Title 36*)
 - 4. Protection of Natural Resources (*Title 38*)

The questions in Sections I, II, and III are based on the Maine Real Estate Commission License Law (*M.R.S.A. Title 32, Chapter 114*) and Rules (*02, 039, Chp. 300-410*), as amended effective July 1, 2006. These are available online through links at the Maine Department of Professional and Financial Regulation, Office of Licensing and Registration Web site (www.state.me.us/pfr/olr/), or directly at the following Web addresses:

Laws:

<http://janus.state.me.us/legis/statutes/>

Rules:

<http://www.maine.gov/sos/cec/rules/02/chaps02.htm>

Questions in section V are based on the M.R.S.A. references specified in the outline. These statutes are available online at the state of Maine website at:

<http://janus.state.me.us/legis/statutes/search.asp>

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Promissor Test Centers

Code	Location	Schedule
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2016	Portland	Wednesday and Saturday
0269	Boston	Tuesday through Saturday
0270	Woburn	Tuesday through Saturday

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Memorial Day/Weekend	Christmas Day/Eve